

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ANTHONY ELSASS, et al.,	:	NO. 1:00-CV-00100
	:	
Plaintiffs,	:	
	:	
v.	:	ORDER
	:	
	:	
GENERAL ACCIDENT INSURANCE	:	
COMPANY, et al.	:	
	:	
Defendants.	:	

This matter is before the Court as a result of the September 11, 2003 correspondence of Joseph Gelwicks, attorney for Defendant Indemnity Insurance Company of North America (hereinafter "IICNA"), requesting a continuance of the October 29, 2003 settlement/status conference. Barry Fagel, counsel for Plaintiff, responded by letter of September 17, 2003, opposing such request.

The Court reminds the parties under Local Rule 7.2(d) that letters to the Court are generally inappropriate and disfavored, and that when unrequested or not pertaining to settlement, written communications shall be by way of formal motion or Memorandum. In this case the Court will treat the above letters as motions. The Court will not consider future correspondence from the attorneys in this matter that does not comply with Rule 7.2(d).

Defendant IICNA requests a continuance of the status conference in order to wait for the outcome of the Ohio Supreme Court in Tucker v. Wilson, which IICNA posits may affect the

potential exposure of the Defendants in this case. Plaintiff requests that there be no further delay in this case, as there is no set date as to when the Ohio Supreme Court will issue its decision.

Having reviewed this matter, the Court finds it appropriate to grant a brief continuance in this matter. Accordingly, the Court VACATES the October 29, 2003 status conference (doc. 52), and RESETS such conference as a settlement conference on December 23, 2003, at 10:00 A.M. Individuals with full settlement authority on the behalf of all of the parties must be present at the December 23, 2003 conference.

SO ORDERED.

Dated: September 24, 2003

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge